

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

UNITED STATES OF AMERICA, \*  
Plaintiff, \* CASE NO.  
v. \* 4:17-CR-105-1 ALM-KPJ  
DEREK MYLAN ALLDRED, \* SHERMAN, TEXAS  
Defendant. \* THURSDAY  
\* SEPTEMBER 21, 2017  
\* 10:30 A.M. TO 10:37 A.M.  
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TRANSCRIPT OF ARRAIGNMENT HEARING  
BEFORE THE HONORABLE CHRISTINE A. NOWAK  
UNITED STATES MAGISTRATE JUDGE  
SEPTEMBER 21, 2017

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A P P E A R A N C E S

For the Government:

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For the Defendant:

Robert Arrambide, Esquire  
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600 East Taylor, Suite 4000  
Sherman, Texas 75090

1 SHERMAN, TEXAS; THURSDAY, SEPTEMBER 21, 2017; 10:30

2 A.M.

3 (Call to Order of the Court)

4 THE COURT: All right. So we have one more  
5 cause on this morning's docket, Cause Number 4:17-CR-  
6 105, the United States of America versus Derek Mylan  
7 Alldred.

8 If I can have an appearance on behalf of  
9 the Government.

10 MR. TATUM: William Tatum for the  
11 Government.

12 THE COURT: And appearance on behalf of Mr.  
13 Alldred.

14 MR. ARRAMBIDE: Robert Arrambide for Mr.  
15 Alldred, Your Honor.

16 THE COURT: All right. Mr. Alldred, can  
17 you state your full name for my record, please?

18 THE DEFENDANT: Derek Mylan Alldred.

19 THE COURT: Am I correct that you speak and  
20 understand English, sir?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: So you don't need an  
23 interpreter today?

24 THE DEFENDANT: No, ma'am.

25 THE COURT: All right. So, Mr. Alldred,

1 we're actually set for two items as it relates to  
2 your case here today. We're set to arraign you on  
3 this First Superseding Indictment, sir, as well as  
4 there is currently a motion pending before the Court  
5 to reopen your detention hearing.

6 So let me -- we're going to take up that  
7 detention issue first. Does the Government persist  
8 in its desire to detain Mr. Alldred?

9 MR. TATUM: Yes, Your Honor.

10 THE COURT: All right. And, Mr. Arrambide,  
11 are you prepared to press forward on that -- on a  
12 hearing on your Motion To Reopen at this time?

13 MR. ARRAMBIDE: We would prefer that it be  
14 continued, Your Honor. My understanding is that the  
15 pre-trial officer has just completed a more extensive  
16 interview of Mr. Alldred, and she needs time to  
17 verify where he intends to live. So we would ask  
18 that be continued until that report is ready.

19 THE COURT: And the Court has discussed  
20 with Pretrial Services when that report can be  
21 prepared and ready for everyone to review. And so,  
22 Mr. Alldred, we're going to be continuing your case  
23 to Wednesday of next week. And so I'm not certain of  
24 the time yet, but it will be Wednesday of next week.  
25 And what we'll do is we'll communicate the time to

1       Mr. Arrambide and he can let you know when that is.

2                 All right. So that takes care of the  
3 Motion To Reopen. That means I'm going to see you  
4 next week. Mr. Alldred, now let's go ahead and turn  
5 and talk about this First Superseding Indictment so  
6 we can go ahead and have you arraigned on that.

7                 And if you can raise your right hand to the  
8 best of your ability, sir, so that I could have you  
9 sworn and we can talk about that.

10               (Defendant sworn.)

11               THE COURT: All right. So, Mr. Alldred,  
12 I'm going to just start off by reminding you of your  
13 constitutional rights. You have the right to remain  
14 silent. You don't have to say anything at all about  
15 the charges that are pending against you in this  
16 First Superseding Indictment. Anything you do say  
17 may later be used against you. Do you understand you  
18 have the right to remain silent, sir?

19               THE DEFENDANT: Yes, ma'am.

20               THE COURT: Do you also understand you have  
21 a constitutional right to have counsel with you at  
22 every stage of the proceedings and if you're not able  
23 to afford counsel, to request that counsel be  
24 appointed for you?

25               THE DEFENDANT: I do.

1                   THE COURT: And you do also understand the  
2 Court has, in fact, appointed counsel and Mr. Robert  
3 Arrambide, your counsel, is present here with you  
4 today?

5                   THE DEFENDANT: Yes, ma'am.

6                   THE COURT: So let's look at this First  
7 Superseding Indictment, Mr. Alldred. Have you had a  
8 chance to read it?

9                   THE DEFENDANT: I have.

10                  THE COURT: And to discuss it with Mr.  
11 Arrambide?

12                  THE DEFENDANT: Yes, ma'am.

13                  THE COURT: So because of that, you and I  
14 can talk about it one of two ways. And how we do it  
15 is entirely your choice. I could have the whole  
16 thing read to you word for word or if you'd rather,  
17 you can waive the full reading. If you waive it, I'm  
18 going to have the Government summarize the charges  
19 pending against you and the range of penalties and  
20 consequences. What do you want to do?

21                  THE DEFENDANT: I'll waive it, Your Honor.

22                  THE COURT: In light of the fact that  
23 you've waived, at this time I'll ask the Government  
24 to summarize the charges pending against Mr. Alldred  
25 in this First Superseding Indictment and also to

1 advise him of the full range of penalties and  
2 consequences he could be subjected to for those  
3 charges.

4 MR. TATUM: Yes, Your Honor. The Defendant  
5 is charged in a ten-count indictment. Count 1 is a  
6 violation of 18 United States Code Section 922(g)(1),  
7 Felon in Possession of a Firearm. Count 2 is a  
8 violation of 18 United States Code Section  
9 1029(a)(2), Access Device Fraud. Count 3 is a  
10 violation -- I'm sorry, Counts 3, 4, and 5 are all  
11 violations of 18 United States Code Section 1028 (a),  
12 Aggravated Identity Theft. Counts 6 through 10 are a  
13 violation of 18 United States Code Section 1341, Mail  
14 Fraud.

15 The penalty for a violation of these  
16 sections is as follows. For Count 1, it is  
17 imprisonment of not more than 10 years; a fine not to  
18 exceed \$250,000 or both; and a term of supervised  
19 release of not more than three years.

20 If it is shown that Defendant has three  
21 previous convictions by any court for a violent  
22 felony or a serious drug offense or both committed on  
23 occasions different from one another, then it is  
24 imprisonment of 15 years to life, a fine not to  
25 exceed \$250,000 or both; and a term of supervised

1 release of at least three years but not more than  
2 five years.

3 Count 2, for a violation of 18 United  
4 States Code Section 1029, the penalty is imprisonment  
5 for a term of not more than ten years; a fine not to  
6 exceed \$250,000 or both; and supervised release of  
7 not more than three years.

8 Counts 3 through 5 for a violation of 8  
9 United States Code Section 1028(a), the penalty is  
10 imprisonment for a term of 24 months to run  
11 consecutive with any other term of imprisonment  
12 imposed.

13 And Counts 6 through 10, the penalty is  
14 imprisonment for a term of not more than 20 years; a  
15 fine not to exceed \$250,000 or both; and supervised  
16 release of not more than three years. In each of  
17 those situations, there's also a special assessment  
18 of \$100.

19 THE COURT: So, Mr. Alldred, let's talk  
20 about the information the Government's just provided.  
21 Do you generally understand the nature of the charges  
22 that are pending against you in each of Counts 1  
23 through 10?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: And do you also understand the

1 full range of penalties and consequences you could be  
2 subjected to including the fact that the Government  
3 is seeking criminal forfeiture in your case?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Now then, Mr. Alldred, I'll ask  
6 you at this time, you are named in Counts 1 through  
7 10 of this First Superseding Indictment, sir. How do  
8 you now plead to each of Counts 1 through 10, guilty  
9 or not guilty?

10 THE DEFENDANT: Not guilty.

11 THE COURT: The Court's going to accept  
12 your plea of not guilty to Counts 1 through 10 of the  
13 First Superseding Indictment. A pre-trial order was  
14 previously ordered in your case which is assigned to  
15 United States District Judge Amos Mazzant, and that  
16 pre-trial order will remain in place.

17 Is there anything further from the  
18 Government as it relates to Mr. Alldred at this time?

19 MR. TATUM: No, Your Honor.

20 THE COURT: Anything, Mr. Arrambide?

21 MR. ARRAMBIDE: No, Your Honor.

22 THE COURT: All right. Then, Mr. Alldred,  
23 I'm going to have you remanded to the custody of the  
24 United States marshals, and I'm going to see you back  
25 here on Wednesday.

1                   THE DEFENDANT: Thank you very much.

2                   THE COURT: Thank you. The Court will be  
3 adjourned.

4                   (Proceedings adjourned at 11:15 a.m.)

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## CERTIFICATE OF TRANSCRIBER

3 I, Dipti Patel, court-approved transcriber,  
4 certify that the foregoing is a full and correct  
5 transcript from the official electronic sound  
6 recording of the proceedings in the above-entitled  
7 matter.

10 /s/ Dinti Patel

11 | Dipti Patel, CET-997

12 | 847.848.4907

15 Date: October 4, 2018